



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ३१]

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असाधारण क्रमांक ७६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019 (Mah. Ord. XVI of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019 (Mah. Ord. XVI of 2019), published under the authority of the Governor].

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 5th August 2019.

MAHARASHTRA ORDINANCE No. XVI OF 2019.

AN ORDINANCE

*further to amend the Maharashtra Paragana and Kulkarni Watans
(Abolition) Act, the Maharashtra Service Inams (Useful to Community)*

Abolition Act, the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act, the Maharashtra Inferior Village Watans Abolition Act and the Maharashtra Revenue Patels (Abolition of Office) Act, 1962.

WHEREAS, both Houses of the State Legislature are not in session;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Paragana and Kulkarni Watans (Abolition) Act, the Maharashtra Service Inams (Useful to Community) Abolition Act, the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act, the Maharashtra Inferior Village Watans Abolition Act and the Maharashtra Revenue Patels (Abolition of Office) Act, 1962, for the purposes hereinafter appearing;

LX of 1950.

LXX of 1953.

XXII of 1955.

I of 1959.

XXXV of 1962.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:-

CHAPTER I

PRELIMINARY.

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA PARAGANA AND KULKARNI WATANS (ABOLITION) ACT.

Amendment of section 4 of LX of 1950.

2. In section 4 of the Maharashtra Paragana and Kulkarni Watans (Abolition) Act, in sub-section (2), after the third proviso, the following proviso shall be added, namely:—

LX of 1950.

“Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as “the Gunthewari Development Act”), then such transfer may be regularised on payment of an amount equal to twenty-five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the

Mah. Ord. XVI of 2019.

Mah. XXVII of 2001.

occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Explanation.—For the purposes of this sub-section, the term “market value of such land” means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT.

LXX of 1953. **3.** In section 5 of the Maharashtra Service Inams (Useful To Community) Abolition Act, in sub-section (3), after the third proviso, the following proviso shall be added, namely:—

Amendment of section 5 of LXX of 1953.

Mah. Ord. XVI of 2019. “Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as “the Gunthewari Development Act”), then such transfer may be regularised on payment of an amount equal to twenty-five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Mah. XXVII of 2001.

Explanation.— For the purposes of this sub-section, the term “market value of such land” means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MERGED TERRITORIES
MISCELLANEOUS ALIENATIONS ABOLITION ACT.Amendment of
section 6 of
XXII of 1955.

4. In section 6 of the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act (hereinafter in this Chapter, referred to as “the principal Act”), after the fifth proviso, the following proviso shall be added, namely:—

XXII of
1955.

“Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as “the Gunthewari Development Act”), then such transfer may be regularised on payment of an amount equal to twenty five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Mah.
Ord. XVI
of 2019.Mah.
XXVII of
2001.

Explanation.—For the purposes of this sub-section, the term “market value of such land” means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

Amendment of
section 7 of
XXII of 1955.

5. In section 7 of the principal Act, in clause (3), after the third proviso, the following proviso shall be added, namely:—

“Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised

Mah.
Ord. XVI
of 2019.

Mah. XXVII of 2001. under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as "the Gunthewari Development Act"), then such transfer may be regularised on payment of an amount equal to twenty-five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Explanation.—For the purposes of this sub-section, the term "market value of such land" means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District."

CHAPTER V

AMENDMENT TO THE MAHARASHTRA INFERIOR VILLAGE WATANS ABOLITION ACT.

I of 1959. 6. In section 5 of the Maharashtra Inferior Village Watans Abolition Act, after the third proviso, the following proviso shall be added, namely:— Amendment of section 5 of I of 1959.

Mah. Ord. XVI of 2019. "Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Ordinance, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as "the Gunthewari Development Act"), then such transfer may be regularised on payment of an amount equal to twenty-five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Explanation.—For the purposes of this sub-section, the term "market value of such land" means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available,

it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

CHAPTER VI

AMENDMENT TO THE MAHARASHTRA REVENUE PATELS (ABOLITION OF OFFICE) ACT, 1962.

Amendment of
section 5 of
Mah. XXXV of
1962.

7. In section 5 of the Maharashtra Revenue Patels (Abolition of Office) Act, after the third proviso, the following proviso shall be added, namely:—

Mah.
XXXV of
1962.

“Provided also that, on or before the commencement of the Maharashtra Paragana and Kulkarni Watans (Abolition), the Maharashtra Service Inams (Useful to Community) Abolition, the Maharashtra Merged Territories Miscellaneous Alienations Abolition, the Maharashtra Inferior Village Watans Abolition and the Maharashtra Revenue Patels (Abolition of Office) (Amendment) Act, 2019, if any such occupancy has already, without prior permission of the Collector or any other competent authority and without payment of an amount equal to fifty per cent. of the current market value of such land been transferred for non-agricultural use, or utilised for non-agricultural use, and division of such land or plot has been or is being regularised under the Maharashtra Gunthewari Development (Regulation, Upgradation and Control) Act, 2001 (hereinafter referred to as “the Gunthewari Development Act”), then such transfer may be regularised on payment of an amount equal to twenty-five per cent. of the current market value of such land in addition to any amount payable under the Gunthewari Development Act for regularization of gunthewari development; and on such payment, the occupant shall hold the land or plot as an occupant Class-I in accordance with the provisions of the Code.

Mah.
Ord. XVI
of 2019.

Mah.
XXVII of
2001.

Explanation.—For the purposes of this sub-section, the term “market value of such land” means the value of such land specified in the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force, in this regard for the relevant year, and where such Annual Statement of Rates is not prepared or available, it means the value of such land as determined by the Assistant Director of the Town Planning Department of the concerned District.”.

STATEMENT

In the State of Maharashtra, the following Inam and Watan Abolition Acts are in force,—

1. The Maharashtra Paragana and Kulkarni Watans (Abolition) Act (LX of 1950),
2. The Maharashtra Service Inams (Useful to Community) Abolition Act (LXX of 1953),
3. The Maharashtra Merged Territories Miscellaneous Alienations Abolition Act (XXII of 1955),
4. The Maharashtra Inferior Village Watans Abolition Act (I of 1959), and
5. The Maharashtra Revenue Patels (Abolition of Office) Act, 1962 (Mah. XXV of 1962).

2. All the above Acts *inter alia* provide for regularization of transfer of land (excluding Mahar Watan Land) without prior permission of the competent authority. Accordingly lands transferred for non-agricultural purpose are regularized on payment of fifty per cent. of market value of land as unearned income, in addition to fifty per cent. fine on such unearned income. After paying such amount, the occupant holds the land as occupant Class-I.

3. Maharashtra Gunthewari Developments (Regularization, Upgradation and Control) Act, 2001 (Mah. XXVII of 2001), (hereinafter referred to as “the said Gunthewari Act”), has been enacted in the State to regularize constructions on the lands sold by way of ‘Gunthewari’.

4. While regularizing the developments under Gunthewari, prescribed compounding fee and development charge are recovered, as per the provisions of the said Gunthewari Act. In addition to that, if the land under gunthewari is Watan or Inam land, then seventy-five per cent. of its valuation is charged for regularizing illegal transfer of such Watan or Inam land.

5. There is a demand to reduce the amount of unearned income and fine levied under the Inam and Watan Abolition Acts, while regulating Gunthewari on such Inam or Watan lands. Therefore, the Government considers it expedient to make provision to reduce the total amount of unearned income and fine to twenty-five percent. of the valuation of such Inam or Watan land as per the Annual Statement of Rates, while regularizing gunthewari on such Inam or Watan land.

6. It is, therefore, considered expedient to suitably amend accordingly the provisions of the Maharashtra Paragana and Kulkarni Watans (Abolition) Act, the Maharashtra Service Inams (Useful to Community) Abolition Act, the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act, the Maharashtra Inferior Village Watans Abolition Act and the Maharashtra Revenue Patels (Abolition of Office) Act, 1962.

7. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Paragana and Kulkarni Watans (Abolition) Act, the Maharashtra Service Inams (Useful to Community) Abolition Act, the Maharashtra Merged Territories Miscellaneous Alienations Abolition Act, the Maharashtra Inferior Village Watans Abolition Act and the Maharashtra Revenue Patels (Abolition of Office) Act, 1962, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 2nd August 2019.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANU KUMAR SRIVASTAVA,
Additional Chief Secretary to
Government.